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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062,681	01/31/2002	Jennifer Geske	10007033-1	2182
<div>7590 10/30/2007 HEWLETT-PACKARD COMPANY Intellectual Property Administration P. O. Box 272400 Fort Collins, CO 80527-2400</div>			<div>EXAMINER QIN, YIXING</div>	
			<div>ART UNIT 2625</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 10/30/2007</div>	<div>DELIVERY MODE PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/062,681	Applicant(s) GESKE ET AL.	
	Examiner Yixing Qin	Art Unit 2625	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 September 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

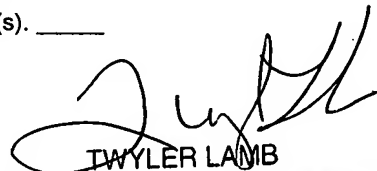
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
Please see the attached action.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


TWYLER LAMB
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

Response to Amendment

In response to applicant's amendment received 9/28/07, all requested changes have been entered.

Response to Arguments

Applicant's arguments filed 9/28/07 have been fully considered but they are not persuasive. The main argument is in regards to the sequence of performing the statistical analysis of drawing commands in print data for determining a document type and the actual creation of the drawing commands themselves. The Applicant argues that the Buckley reference performs analysis of the document prior to any printer data or control commands are generated. Buckley discloses in column 4, lines 17-20 that each document can be addressed using a print description language. Thus, a document can be processed and defined using a PDL, which can read upon a print job containing drawing commands. The PDL is inherently a set of commands that identify how one would draw the various objects in page, so the statistical analysis of the PDL can be interpreted as processing a document, and then analyzing the drawing commands. Similarly, with the MRC technique, the document is processed by breaking it down to layers, and the files are statistically analyzed.

The Examiner is using a broad interpretation of the words "print job" in this rejection because a print job is interpreted as any file or set of files submitted to be printed. Thus, a print job is not confined to any particular format, and one can interpret a word document to be printed as a print job, just as one can interpret print ready data

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as a print job. The arguments does not seem to equate the word print job with a source document. If the source document is a document that is requested to be printed (as in the Buckley reference), then it can reasonable be interpreted as a print job. The Examiner's take is that the print job can take a variety of forms, since, again, they are just various interpretations of the same information. Thus, one can consider any form of the document to be printed a print job as there is no set definition that a print job has to be in any particular format or even has to have gone through any processing – it just has to have been requested/submitted for printing.

In regards to the rejection of claims 20-21, 29-31 and 36-37, the Examiner just mistakenly grouped those claims with similar claims from another independent claim. This was not done intentionally at the time of the last issued Office Action and was only a means to reduce the wordiness of the previous document. These claims should be rejected under a 103 rejection, but the Examiner does not believe another non-final office action is appropriate since the rejection of the claims was due to a grouping error and not due to using an inappropriate prior art reference. The Examiner will correct these mistakes below and put these claims in the proper 103 rejection.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a

reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

I. Claims 1-7, 12, 13, 16, 23-27, 33, 35, 43 and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Buckley (U.S. Patent No. 6,542,173).

Regarding claim 1, Buckley discloses a method controlling printing of a document, comprising:

processing the document to form a print job including print data, the print data including drawing commands, (column 7, lines 41-46)

analyzing the drawing commands to build statistical information about content within the print data (Fig. 1 and column 4, lines 56-62) ; and

categorizing the print job using the statistical information according to pre-specified categorization criteria. (Fig. 1 and column 4, lines 56-62).

Regarding claim 2, Buckley discloses wherein the analyzing the print data to build statistical information is incorporated in a printer driver. (column 8, lines 36-50, especially lines 40-44).

Regarding claim 3, Buckley discloses wherein at least a portion of the printer driver is a software printer driver. (column 8, lines 36-50, especially lines 40-44).

Regarding claim 4, Buckley discloses wherein at east a portion of the printer driver is a firmware printer driver. (column 8, lines 36-50, especially lines 40-44).

Regarding claim 5, Buckley discloses further comprising storing the categorization in a log file. (Fig. 5 – although shown is an user interface with object type and settings, it is inherent that this information is stored in a memory in the form of a file. Also see column 6, lines 41- column 7, line 23).

Regarding claim 6, the Buckley reference discloses “using the categorization information from the log file for examination, building, enhancing and verifying future categorization matches.” (column 6, lines 54-67 and column 7, lines 1-46).

Regarding claims 7, and 24, Buckley discloses further comprising gathering input criteria from a user before a print job is initiated and categorizing the print job based on

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the statistical analysis and the input criteria. (column 4, lines 56-62, also column 4, lines 8-55 describes how an user can set parameters for document types)

Regarding claim 12, Buckley discloses further including:

processing the log file so as to determine effectiveness of the categorizing; and (column 6, lines 54-67 and column 7, lines 1-46).

updating the pre-specified categorization criteria so as to improve the effectiveness of the categorizing. (column 7, lines 24-34).

Regarding claims 13 and 26, Buckley discloses further including:

developing at least one new categorization category. (Fig. 3 shows text/photo and column 9, lines 42-59 discusses how if additional multi-document types are implemented and can be automatically selected).

Regarding claim 16, Buckley discloses wherein analyzing and categorizing are performed before the print job is printed. (column 8, lines 28-35).

Regarding claim 23, Buckley discloses in a system for electronically monitoring the contents of a print job generated from a document, a computer-readable medium having computer-executable instructions for performing a process on a computer, the process comprising:

processing the document to form a print job including print data, the print data including drawing commands, (column 7, lines 41-46)

statistically analyzing the print data to form object type percentages using the drawing commands; (Fig. 1 and column 4, lines 56-62)

classifying the print job using the statistical analysis and according to pre-specified categorization criteria; (Fig. 1 and column 4, lines 56-62) and

storing the classification in a log file and using the classification from the log file for examination and for building, enhancing and verifying future classification matches. (column 6, lines 54-67 and column 7, lines 1-46).

Regarding claim 25, Buckley discloses the computer-readable medium having computer-executable instructions for performing the process of claim 24, further comprising:

monitoring all print jobs and providing at least one of an automatic rejection, acceptance or confirmation of the print job as user feedback before the print job is sent to peripheral device. (column 9, lines 42-59).

Regarding claims 27 and 33, Buckley discloses a system for managing print jobs of documents containing at least one page, comprising:

means for collecting drawing commands for a given page; (column 11, lines 66 - column 12, lines 15)

means for collapsing the collected drawing commands into pre-determined categories; and (column 11, lines 66 - column 12, lines 15)

means for classifying the print job using the pre-determined classifications, (Fig. 1 and column 4, lines 56-62).

Regarding claim 35, Buckley discloses and wherein the pre-determined classifications include text, at least one of solid or unfilled circle line/graphics, clip art style images, and photographic images. (column 12, lines 2-14).

Regarding claim 43, Buckley discloses wherein the analyzing includes sorting the drawing commands on each page of the print job by command type, and grouping the sorted drawing commands into predetermined object types so as to identify a percentage of the drawing commands in the print job that is associated with each of the predetermined object types. (column 8, lines 2-7).

Regarding claim 44, Buckley discloses wherein the categorizing includes comparing the percentage of the drawing commands associated with each of the predetermined object types against predefined percentages associated with the pre-specified categorization criteria so as to identify a category for the print job. (column 8, lines 2-7).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

II. Claims 8, 17-19, 28, 32 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buckley (U.S. Patent No. 6,542,173).

Regarding claim 8, the Buckley reference discloses the analysis of print data using a printer driver.

It does not explicitly disclose "classifying the print job as an unknown job type if the categorizing is unsuccessful."

However, Buckley discloses in column 7, lines 47-62 various ways to categorize a document. In lines 55-62, Buckley discloses that it might be possible that a mix content type does not exist (i.e. undefined) and either the document would be printed using a most-predominant or a default type. It is not explicitly stated that Buckley categorizes the document as an unknown job type, but clearly suggests so.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have an unknown type.

The motivation would have been to allow one software/hardware component to perform a print when certain documents do not fall within a certain category.

Therefore, it would have been obvious to use Buckley to obtain the invention as specified.

Regarding claim 17, Buckley discloses a system for managing printing operations on a computer, comprising:

an application program that generates drawing commands for printing a document, (column 6, lines 54-62)

a statistical module that collects drawing commands and collapses the collected drawing commands into pre-determined classifications; (column 11, lines 66-67 and column 7, lines 1-14) and

a filtering module coupled to the statistical module that filters the pre-determined classifications using pre specified category criteria and categorizes the print job into at least one predefined print job category. (Fig. 1 and column 4, lines 56-62).

Although Buckley does not call the items in his invention a statistical and a filtering module, the functions are essentially the same. Please see also, Fig. 2 and column 6, lines 66-67 and column 7, lines 1-23.

Regarding claim 18, Buckley discloses further comprising a secondary filter module that uses the pre-determined classifications and input criteria predefined by a user and relating to the printing operation for categorizing the print job. (column 4, lines 8-62). Again, Buckley does not explicitly have "a secondary filter," but does describe similar functions.

Regarding claim 19, Buckley discloses the system for managing printing operations of claim 17, wherein the drawings commands include at least one of vector graphics, raster graphics or textual fonts and are predefined by an administrator. (column 10, lines 26-39 and column 11 lines 66-67 and column 12, lines 1-14).

Regarding claim 20, Buckley discloses the system for managing printing operations of claim 17, wherein the statistical module is incorporated in a software printer driver

Regarding claims 21, Buckley discloses further comprising a client monitoring program that determines whether a new classification category needs to be developed. (column 8, lines 36-67 to column 11, lines 1-48, especially column 9, lines 42-58).

Regarding claim 28, Buckley discloses a printing system working in a computer environment, comprising:

an application program that generates print data for a print job, the print data including drawing commands; (column 6, lines 57-62)

a printer that receives the print data for printing the print jobs; (column 6, lines 57-62)

a software printer driver coupled to the printer and application program for analyzing the drawing commands to build statistical information about content within the print data; and (Fig. 1 and column 4, lines 56-62)

a filter module coupled to the software printer driver for categorizing the print job using the statistical information according to pre-specified categorization criteria. (Fig. 1 and column 4, lines 56-62).

Again, although Buckley does not call the items in his invention a statistical and a filtering module, the functions are essentially the same. Please see also, Fig. 2 and column 6, lines 66-67 and column 7, lines 1-23.

Regarding claim 29, Buckley discloses further comprising a log file that stores the categorization of the print job. (Fig. 5 – although shown is an user interface with object type and settings, it is inherent that this information is stored in a memory in the form of a file. Also see column 6, lines 41- column 7, line 23).

Regarding claim 30, the Buckley reference discloses wherein the categorization information from the log file is used for examination, building, enhancing and verifying future categorization matches (column 6, lines 54-67 and column 7, lines 1-46).

Regarding claim 31, Buckley discloses wherein the application program gathers input criteria from a user before a print job is initiated and wherein the filter module categorizes the print job based on the statistical analysis and the input criteria. (column

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4, lines 56-62, also column 4, lines 8-55 describes how an user can set parameters for document types)

Regarding claim 32, Buckley discloses a client monitoring program that approves the print job and allows the print job to be printed without user confirmation. (column 8, lines 7-17).

Regarding claim 34, Buckley discloses in column 8, lines 2-7 there is calculation of the raw numbers for either the total number of objects or the total proportion.

It does not explicitly disclose counting the exact types of commands.

However, these commands are command in the printing art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used and counted these commands to determine the type of printing that should take place.

The motivation would have been to enable a printer to print optimally.

Therefore, it would have been obvious to improve Buckley to obtain the invention as specified.

Regarding claim 36, Buckley discloses wherein the statistical module sorts the drawing commands by command type, and groups the sorted drawing commands into predetermined object types so as to identify a percentage of the drawing commands that is associated with each of the predetermined object types. (column 8, lines 2-7).

Regarding claim 37, Buckley discloses wherein the filtering module compares the percentage of the drawing commands associated with each of the predetermined object types against predefined percentages associated with the pre specified category criteria so as to identify the at least one predefined print job category. (column 8, lines 2-7).

III. Claims 14 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buckley (U.S. Patent No. 6,542,173) in view of Barrett (U.S. Patent No. 5,323,393).

Regarding claim 14, the Buckley reference discloses the analysis of print data using a printer driver.

It does not explicitly disclose "The method of claim 5, further including: processing the log file so as to characterize printing usage."

However, Barrett discloses in column 14 lines 37-68 to column 15, lines 1-9, that the statistical log information and the enhanced print service management can read on processing the log file to characterize printing usage.

Buckley and Barrett are combinable because both are in the art of optimizing print jobs.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have an account of the usage information of a printing device if

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one where to have additional information in the log file such as that of the Barrett reference.

The motivation would have been to allow one to know what types and number of prints where printed so that one can know how to further optimize printing.

Therefore, it would have been obvious to use Buckley and Barrett to obtain the invention as specified.

Regarding claim 22, the Buckley reference discloses the analysis of print data using a printer driver.

It does not explicitly disclose "the client monitoring program is preprogrammed to send an error message to a user attempting to initiate the print job blocking all print jobs that are classified with unknown designations.

However, Barrett discloses in column 24, lines 37-40 that an LED signal informs an user of an error.

Buckley and Barrett are combinable because both are in the art of optimizing print jobs.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have signaled an user of an error before printing.

The motivation would have been to allow one to know that a document is about to be printed.

Therefore, it would have been obvious to use Buckley and Barrett to obtain the invention as specified.

IV. Claims 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over as being unpatentable over Buckley (U.S. Patent No. 6,542,173) in view of Inoue et al (U.S. Patent No. 6,144,835)

Regarding claims 38 and 39, Buckley discloses a way to identify objects and categorize print jobs.

It does not explicitly disclose "wherein the categorizing denotes a print job category for the print job, the method further comprising inhibiting printing of the print job if the print job category matches a predefined category and further comprising informing an administrator if the print job category matches a predefined category."

However, Inoue et al discloses in Fig. 4 and column 8, lines 34-67 that printing of illegal documents can be prevented and a manager can be warned.

Buckley and Inoue are combinable because both are in the art of identification and categorization of images.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have improved the Buckley invention with a counterfeiting mechanism.

The motivation would have been to prevent users from printing certain documents.

Therefore, it would have been obvious to combine Buckley and Inoue to obtain the invention as specified.

V. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over as being unpatentable over Buckley (U.S. Patent No. 6,542,173) in view of the applicant's admitted prior art in the background of the invention ("background").

Regarding claim 40, Buckley discloses the printing of a print job according to a particular category.

It does not explicitly disclose "wherein the categorizing denotes a print job category for the print job, the method further comprising providing an incentive to a user if the print job category matches a predefined category."

However, the background states on page 4, lines 20-28 the offering of incentives to people based upon printing habits.

Buckley and the background are combinable because both are in the art of producing print jobs according after categorizing them for optimal printing.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have improved Buckley's invention with an incentive program.

The motivation would have been to reward users for printing certain documents and to attract further usage from those users.

Therefore, it would have been obvious to combine Buckley and the background to obtain the invention as specified.

VI. Claims 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over as being unpatentable over Buckley (U.S. Patent No. 6,542,173) in view of Bennett et al (U.S. Patent No. 5,146,344).

The Buckley reference discloses a way to categorize print data.

It does not explicitly disclose "wherein the categorizing denotes a print job category for the print job, the method further comprising billing a user according to a price associated with the print job category and wherein different print job categories have different prices."

However, Bennett discloses in Figs. 8A-8B and column 6, lines 18-46 that users can be charged for prints according to various billing rates.

Buckley and Bennett are combinable because both are in the art of determination of print job types.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have improved Buckley's invention and to have an accounting system.

The motivation would have been to appropriately charge users for printing.

Therefore, it would have been obvious to combine Buckley and Bennett to obtain the invention as specified.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YQ


TWYLER LAMB
SUPERVISORY PATENT EXAMINER